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ORIGINAL BY FACSIMILE (NOT FILED ON DOCKET)

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JAN 07 2013

The Honorable Joel Schneider
United States District Court for the District of New Jersey
Mitchell H. Cohen Building and U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, New Jersey 08101

JOEL SCHNEIDER
U.S. Magistrate Judge

Re: *Sciele Pharma. Inc. et al. v. Lupin Ltd. et al.*, C.A. No. 09-037-RBK-JS

Dear Judge Schneider:

Together with Kelley Drye & Warren LLP and Sterns and Weinroth PC, we represent the Lupin defendants in the above-captioned litigation. We write to inform the Court that before today's January 4, 2013, order requiring Court permission to modify the deposition schedule, the parties had agreed to reschedule the deposition of Andrx witness Boyer, originally scheduled for January 4, 2013. The reason is the illness of the child of the Lupin lawyer who was going to take that deposition, who was in intensive care over the New Year's weekend, only a few days before the deposition was to be held (and remains hospitalized).

Shionogi has also requested that the deposition of Daniel Tokich, scheduled for January 10, 2013, be rescheduled because the attorney who will be defending the deposition has the flu. Defendants have no objection to this request. Finally, the parties have agreed that the Talton deposition, scheduled for January 11, 2013, will take place in Canonsburg, Pennsylvania, rather than Morgantown, West Virginia, and will commence at 1 p.m.

We respectfully request Court approval for the postponement and rescheduling of the above mentioned depositions.

Respectfully Submitted,

/s/ Stephen B. Brauerman

Stephen B. Brauerman (No. 4952)

SBB:cr

cc: Counsel of Record

So Ordered this 7th day of January, 2013
by Joel Schneider
JOEL SCHNEIDER, USMJ
ie: (302) 655-5000 Fax: (302) 658-6395

